



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Jeyanthi, et al
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Dudash

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

* * * * *

PETITION FOR REINSTATEMENT AND REVIVAL OF APPLICATION

Assistant Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED
DEC 18 2002
OFFICE OF PETITIONS

Sir:

Applicants telephoned the Patent Office on December 10, 2002 and learned that this application was abandoned because of incomplete application during pre-exam. Applicants request that this application be reinstated and revived due to Patent Office error.

OCCURRENCE OF EVENTS:

This Rule 53(b) continuation application was filed on June 22, 1999. To date, no Filing Receipt, Official Action, Notice of Incomplete Application, or Notice of Abandonment has been received by the undersigned Applicant's representative. Attached is a postcard receipt of the June 22, 1999 filing of the Rule 53(b) Continuation Application.

Attached is a copy of an Associate Power of Attorney (with change of correspondence address) and other documents that were also filed with the Rule 53(b) continuation application.

Three Status Requests were duly filed on July 25, 2000, April 4, 2001 and October 18, 2001 and no reply to these Status Requests has been received either telephonically or in writing to this date. The postcard receipts for each Status Request are attached.

Applicant's representative telephoned the Patent Office on December 10, 2002 and was advised that the application is abandoned. Applicant's representative was advised on the phone by the Patent Office that the undersigned is not listed as the attorney of record and our address has not been entered as the correspondence address. It is probable that the reason that this application went abandoned is that Applicant's representative never received any correspondence from the Patent Office.

It is respectfully submitted that this is a Patent Office error because the proper Associate Attorney with Change of Address was filed at the time of the filing of the Rule 53(b) Continuation application.

Applicants petition for the revival of this application. The Petition fee is enclosed herewith. However, Applicants cannot file a Reply because Applicants have not been informed what is due or needed. Applicants state that the delay was unintentional because Applicants did not know and were not advised that anything further for the completion of the Rule 53(b) application was required. Applicants request a refund of the Petition fee because it appears that the error of not sending correspondence to the undersigned representative for the Applicant was a Patent Office error.

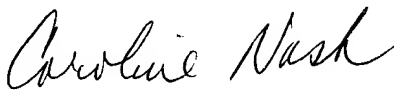
Please note the correspondence address, as listed on the Associate Power of Attorney is as follows:

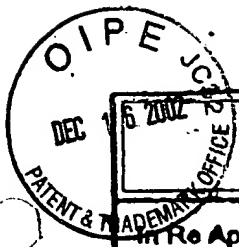
Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, Maryland 20833
(301) 924-9500

(See Associate Power of Attorney or Agent filed May 11, 1999 for parent application serial no. 08/590,973.)

Respectfully submitted,

Date: December 10, 2002

By 
Caroline Nash, Reg. No. 36, 329
for: Elizabeth Arwine, Reg. No. 45,867
Attorney for Applicants
U.S. Army Medical Research
and Materiel Command
ATTN: MCMR-JA
Fort Detrick, MD 21702-5012



Associate Power Of Attorney Or Agent (37 CFR 1.34)
(For Representation Related To A Patent Application)

Docket No.
Army 111

In Re Application Of: Jeyanthi, et al.

Serial No.	Filing Date	Examiner	Group Art Unit
02/590,973	January 24, 1996	Harrison, R.	1616

Invention: Neural Burst-Free Sustained Release Poly(Lactide/Glycolide)

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Please recognize the following as ☒ Associate Attorney ☐ Associate Agent in this application.

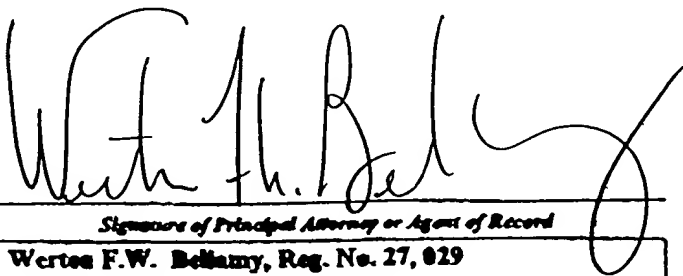
Name: Marlene Titus and Caroline Nash

Reg. No.: 35,843 and 36,329, respectively

Address: PLEASE CHANGE CORRESPONDENCE
ADDRESS TO:

Nash & Titus, LLC
3415 Brookeville Road
Suite 1000
Brookeville, Maryland 20833

Tel. No. (301) 924-9500 or (301) 924-9600



Signature of Principal Attorney or Agent of Record

Werten F.W. Bellamy, Reg. No. 27, 029
Intellectual Property Law Division
OTJAG, Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Registration Number & Address of Principal Attorney or Agent of Record

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DEC 18 2002

OFFICE OF PETITIONS

Dated: 5/6/99

I certify that this document is being deposited on
5-11-99 with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.



Signature of Person Mailing Correspondence

Caroline Nash

Typed or Printed Name of Person Mailing Correspondence

DEC 16 2002

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
Army 118

In Re Application Of: Jeyanthi, et al.

Serial No.
09/337,945

Filing Date
June 22, 1999

Examiner
Harris, R.

Group Art Unit
1617

Title: **NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GHYCOLIDE) MICROSPHERES**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

Petition for Reinstatement and Revival of Application

Cover Sheet with fee calculation (in duplicate)

Copy of Associate Power of Attorney with Change of Address

Copies of Status Requests dated July 25, 2000, April 4, 2001, October 18, 2001 (with postcard receipts)

Copy of Postcard receipt for Rule 53(b) application dated June 22, 1999

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
 - ☐ Charge the amount of _____
 - ☐ Credit any overpayment.
 - ☐ Charge any additional fee required.

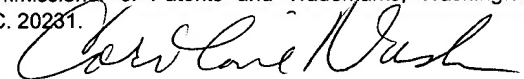


Signature

Dated: **December 10, 2002**

Caroline Nash, Reg. No. 36,329
Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, MD 20833
(301) 924-9500

I certify that this document and fee is being deposited
on **December 10, 2002** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner of Patents and Trademarks, Washington,
D.C. 20231.

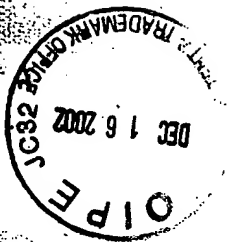


Signature of Person Mailing Correspondence

Caroline Nash

Typed or Printed Name of Person Mailing Correspondence

CC:



Received in the United States Patent and Trademark Office

Applicant: Jeyanthi, et al.

Serial No.: Rule 53(b) cont. Appn. of 08/590,973

Filed : June 22, 1999

Atty. Ref: Army 111A

enclosed:

Certificate of Mailing by Express Mail (no. EJ696804272US)

Utility Patent Appn. Transmittal (2)

Declarations

Associate Power of Attorney or Agent

Preliminary Amendment

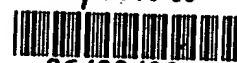
Specification including abstract (41 pages)

Sheets of Drawings: 8

Stamped, self-addressed postcard receipt

JC549 U.S. PTO

09/337945



06/22/99

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Jeyanthi, et al
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Harris, R.

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

* * * * *

STATUS INQUIRY

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt or Official

Action has been received. Attached is a postcard receipt of the June 22, 1999 filing.

Please also note the correspondence address is as follows:

Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, Maryland 20833
(301) 924-9500

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DEC 18 2002

OFFICE OF PETITIONS

(see Associate Power of Attorney or Agent filed May 11, 1999)

July 25, 2000

Respectfully submitted,

By

Caroline Nash, Reg. No. 36, 329
for: Elizabeth Arwine, Reg. No. 45,867
Attorney for Applicants
U.S. Army Medical Research
and Materiel Command
ATTN: MCMR-JA
Fort Detrick, MD 21702-5012

mailed: July 26, 2000



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 09/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

Atty.: Caroline Nash

Atty. Ref: Army 118

Enclosed:

- 1) Status Inquirey
- 2) copy of postcard receipt of application filed June 22, 1999
- 3) postcard receipt, stamped and self-addressed

mailed: July 26, 2000



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OFFICE OF PETITIONS

DEC 16 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION of

Jeyanthi, et al

Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Harris, R.

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

* * * * *

SECOND STATUS INQUIRY

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt or Official Action has been received. Attached is a postcard receipt of the June 22, 1999 filing. A Status Request was duly filed on July 25, 2000 and no reply has been received.

Please also note the correspondence address is as follows:

Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, Maryland 20833
(301) 924-9500

(see Associate Power of Attorney or Agent filed May 11, 1999)

Date:

4/4/01

By

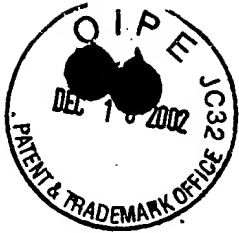
Respectfully submitted,

Caroline Nash
Caroline Nash, Reg. No. 36, 329
for: Elizabeth Arwine, Reg. No. 45,867
Attorney for Applicants
U.S. Army Medical Research
and Materiel Command
ATTN: MCMR-JA

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DEC 18 2002

OFFICE OF PETITIONS



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 08/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE)
MICROSPHERES

Atty.: Caroline Nash

Atty. Ref: Army 118

Enclosed

Status Request
postcard receipt

Mailed: April 4, 2001





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Jeyanthi, et al
Serial No.: 09/337,945

Group Art Unit: 1617

Examiner: Dudash

Filed: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE
POLY(LACTIDE/GLYCOLIDE) MICROSPHERES

* * * * *

THIRD STATUS INQUIRY

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please inform the undersigned of the status of the above identified application.

This application was filed on June 22, 1999 and to date, no Filing Receipt nor Official Action has been received. Attached is a postcard receipt of the June 22, 1999 filing of the Rule 53(b) Continuation Application of Serial No. 08/590,973.

Two Status Requests were duly filed on July 25, 2000 and April 4, 2001 and no reply for either has been received to date.

Applicants respectfully request an immediate reply considering it has been well over two years since this application has been filed.

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DEC 18 2002
OFFICE OF PETITIONS



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Serial No.: 08/337,945

Applicant: Jeyanthi, et al.

Filing Date: June 22, 1999

Title: NOVEL BURST-FREE SUSTAINED RELEASE POLY(LACTIDE/GLYCOLIDE)
MICROSPHERES

Atty.: Caroline Nash

Atty. Ref: Army 118

Enclosed

Third Status Request

copy of postcard receipt dated Jne 22, 1999
postcard receipt

mailed: October 18, 2001



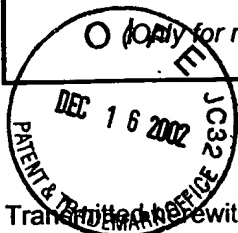
UTILITY PATENT APPLICATION TRANSMITTAL

(Large Entity)

Docket No.
Army 111 A

Total Pages in this Submission

☐ Only for new nonprovisional applications under 37 CFR 1.53(b)



TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

NOVEL "BURST-FREE" SUSTAINED RELEASE POLY-(LACTIDE/GLYCOLIDE) MICROSPHERES

and invented by:

Jeyanthi, et al.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/590,973

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/446,149

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 41 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☒ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
Army 111

Total Pages in this Submission

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☒ Informal Number of Sheets 8
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EJ696804272US

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
Army 111

Total Pages in this Submission

Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☐ Additional Enclosures (please identify below):

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	46	- 20 =	26	x \$18.00	\$468.00
Indep. Claims	4	- 3 =	1	x \$78.00	\$78.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$760.00
OTHER FEE (specify purpose)					
TOTAL FILING FEE					\$1,306.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 21-0380 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$1,306.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Dated: June 22, 1999

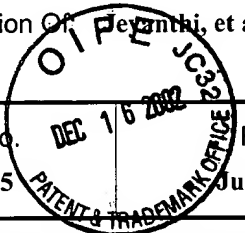
Caroline M. Nash
Reg. No. 36, 329

Nash & Titus, LLD
3415 Brookeville Rd., Suite 1000
Brookeville, Maryland 20833
(301) 924-9500

cc:

#6 DAC

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)		Docket No. Army 118 (111A)	
In Re Application Of <i>Reynolds, et al</i>			
Serial No. 09/337,945	Filing Date June 22, 1999	Examiner unknown	Group Art Unit unknown
Invention: Novel Burst-Free Sustained Release Poly(Lactide/Glycolide) Microspheres			



ASSISTANT COMMISSIONER FOR PATENTS
Attention: Office of Petitions
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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DEC 18 2002
OFFICE OF PETITIONS

1. ☒ A proposed reply to the above-identified notice or action:

☐ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Petition for Reinstatement (we never received OA of any kind)

Please see comments in Attached Petition

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

12/18/2002 CV0111 00000076 210380 09337945

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

01 FC:1453 1280.00 CH

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

09337945
00000076 210380
12/18/2002 CV0111
00000076 210380
1280.00 CH
01 FC:1453

**Petition For Revival Of An Application For Patent Abandoned Unintentionally
Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
Army 118 (111A)

In Re Application Of: **Jeyanthi, et al**

Serial No.
09/337,945

Filing Date
June 22, 1999

Examiner
unknown

Group Art Unit
unknown

Invention: Novel Burst-Free Sustained Release Poly(Lactide/Glycolide) Microspheres

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,280.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> | <u> </u> |

Total fees enclosed: \$1,280.00

The fee of **\$1,280** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **21-0380**
- A duplicate copy of this sheet is enclosed.

**Petition For Revival Of An Application For Patent Abandoned Unintentionally
Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
Army 118 (111A)

In Re Application Of: **Jeyanthi, et al**

Serial No.
09/337,945

Filing Date
June 22, 1999

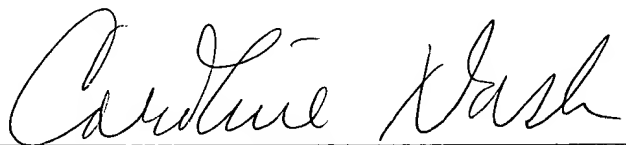
Examiner
unknown

Group Art Unit
unknown

Invention: **Novel Burst-Free Sustained Release Poly(Lactide/Glycolide) Microspheres**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

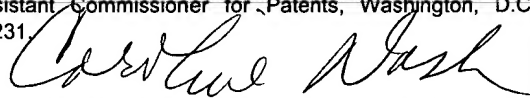


Signature

Dated: **December 10, 2002**

**Caroline Nash, Reg. No. 36,329
Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, MD 20833
(301) 924-9500
FOR: Elizabeth Arwine, Reg. No. 45,867
U.S. Army Medical Research and Materiel Command
Fort Detrick, MD 21702**

I certify that this document and fee is being deposited on **December 10, 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

Caroline Nash

Typed or Printed Name of Person Mailing Correspondence

CC: